

October 24, 2017

The Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
Brooklyn, NY 11201

Re: United States v. John J. Gotti
Criminal Docket No. 17-127

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 24 2017 ★

Dear Judge Ross:

BROOKLYN OFFICE

I am a New York Daily News reporter assigned to coverage of the Eastern District of New York.

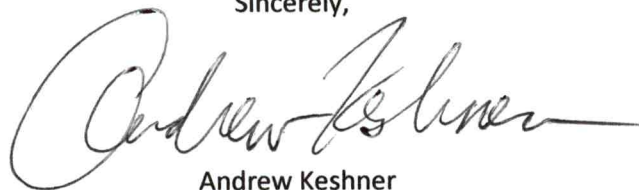
I am writing to respectfully request the unsealing of a Sept. 20 letter from Elyse Lottier, seeking leniency for her grandson, Mr. Gotti, at the time of sentencing. The letter is filed in docket entry 89.

There is a presumptive First Amendment and common law right of access to court proceedings and records which can only be overcome if "specific, on the record findings are made demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest." *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13-14 (1986). This right of access applies fully to sentencing memoranda and other sentencing-related documents, including letters. *United States v. King*, 2012 WL 2196674 (S.D.N.Y. Dec. 4, 2013) ("This right of access extends to materials submitted to the Court in connection with sentencing that the Court is asked to consider . . . Such materials include, for example, letters submitted in support of the defendant's sentencing submissions and medical records on which the Court is asked to rely as a factor in mitigation in favor of the defendant"). Thus, in *King*, the court ordered public disclosure of both the defendant's and the government's sentencing memoranda with certain very limited redactions. Similarly, in *United States v. Dwyer*, 2016 WL 2903271 (S.D.N.Y. May 18, 2016), the court ordered that letters submitted on behalf of defendant by friends and family members be publicly filed.

This case is a matter of public interest. Mr. Gotti and his co-defendants have pleaded guilty to arson in a case that displays ongoing law enforcement efforts related to organized crime.

If the filing cannot be unsealed in its entirety, I ask for the court to redact the filing so as to shield any sensitive medical or personal information. Thank you for your time and attention to the matter.

Sincerely,



Andrew Keshner

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